

Robert D. Mitchell (*admitted pro hac vice*)
William M. Fischbach III (*admitted pro hac vice*)
Ace Van Patten (Nevada Bar No. 11731)



Camelback Esplanade II, Seventh Floor
2525 East Camelback Road
Phoenix, Arizona 85016-4229
Telephone: (602) 255-6000
Fax: (602) 255-0103
E-mails: rdm@tblaw.com; wmf@tblaw.com;
avp@tblaw.com
Counsel for Defendant/Counterclaimant Martin Tripp

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TESLA, INC., a Delaware corporation,

Plaintiff,

vs.

MARTIN TRIPP, an individual,

Defendant.

MARTIN TRIPP, an individual,

Counterclaimant,

vs.

TESLA, INC., a Delaware corporation,

Counterdefendant.

Case No. 3:18-cv-00296-LRH-CBC

**DEFENDANT/COUNTERCLAIMANT'S
RESPONSE TO TESLA, INC.'S MOTION
TO FILE ITS MOTION FOR SUMMARY
JUDGMENT AND SUPPORTING
DECLARATIONS OF MICHAEL T.
LIFRAK AND ELON R. MUSK IN
REDACTED FORM AND UNDER SEAL
[ECF NO. 161]**

1 Defendant/Counterclaimant Martin Tripp responds to Plaintiff/Counterdefendant
2 Tesla Inc.'s Motion for Leave to File Under Seal [ECF No. 161] as follows. Since the filing
3 of Tesla's motion, counsel for the parties have met and conferred. Tesla has agreed to
4 remove the CONFIDENTIAL designation from Exhibits 13, 17-20, and 44 attached to the
5 Declaration of Michael T. Lifrak ("Lifrak Declaration") [ECF No. 156]. Additionally, Tesla
6 has agreed to remove the CONFIDENTIAL designation from Exhibits 1, 2, and 50 attached
7 to the Lifrak Declaration *except* for the following excerpts that discuss specific technology,
8 queries, or implicate security concerns: Exhibit 1 (Tripp Deposition), pages/lines 79:15-25,
9 91:1-94:25, 116:8-124:2, Exhibit 2 (Gicinto Deposition), pages/lines 26:17-28:9, 34:24-
10 35:16, 37:21-38:10, 139:4-140:24, 142:13-144:2, and Exhibit 50, the complete sentences
11 from pages/lines 10:6-9 and 10:17-20.

12 Tripp does not object to the remainder of the documents Tesla seeks to file under
13 seal, provided that Tesla revises and refiles the Lifrak Declaration as reflected above.

14 DATED this 13th day of April, 2020.

15
16 TIFFANY & BOSCO, P.A.

17
18 By /s/William M. Fischbach

19 Robert D. Mitchell

20 William M. Fischbach III

21 Camelback Esplanade II, Seventh Floor

22 2525 East Camelback Road

23 Phoenix, Arizona 85016-4229

24 *Counsel for Defendant/Counterclaimant*
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PROOF OF SERVICE

I am employed in the County of Maricopa, State of Arizona. I am over the age of 18 and not a party to the within action; my business address is Tiffany & Bosco, P.A. 2525 E. Camelback Road, Suite 700, Phoenix, Arizona 85016.

On April 13, 2020, I served the following described as:

**DEFENDANT/COUNTERCLAIMANT'S RESPONSE TO TESLA, INC.'S MOTION
TO FILE ITS MOTION FOR SUMMARY JUDGMENT AND SUPPORTING
DECLARATIONS OF MICHAEL T. LIFRAK AND ELON R. MUSK IN
REDACTED FORM AND UNDER SEAL**

On the following interested parties in this action:

Rory T. Kay (NSBN 12416)
McDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
Telephone: (702) 873-4100
rkay@mcdonalddcarano.com

Alex Spiro
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
alexspiro@quinnemanuel.com

Michael Lifrak
Jeanine M. Zalduendo
Alex Bergjans
Aubrey Jones
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
michaellifrak@quinnemanuel.com
jeaninezalduendo@quinnemanuel.com
alexbergjans@quinnemanuel.com
aubreyjones@quinnemanuel.com

☒ (BY E-MAIL) By transmitting the above documents to the above e-mail addresses.

☒ (STATE) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED on this 13th day of April, 2020 at Phoenix, Arizona.

/s/Kaleigh Stilchen